DEPARTMENT OF PUBLIC WELFARE: Investigation—
Whether county investigators may also be members of
the County Council.

November 5, 1936.

Hon. Wm. P. Cosgrove,
State Examiner,
State Board of Accounts,
State House,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion in reply to the following questions:

"1. Can a member of a county council, who receives compensation provided for such member, also legally serve as an investigator of the County Welfare Department and legally draw compensation therefor?

"2. Can a member of a county council, who does not draw the compensation provided for such member, legally serve as an investigator of the County Welfare Department and legally draw compensation therefor?"

While the county director of public welfare, with the approval of the county board of public welfare, is authorized to appoint and fix the compensation of investigators for the County Welfare Department (Acts of 1936, page 31), the county council is the tax levying as well as the appropriating body authorized to raise and authorize the expenditure of the funds necessary to carry on the county welfare services. If a county investigator is also a member of the county council, it seems to me that there would be created thereby a relationship, which to a certain extent would tend to deprive such councilman of a judgment freed from personal interest when acting upon county welfare appropriations and tax levies for such purpose. This, it would seem to me, would raise a very serious question as to the public policy involved in such a case. There are numerous cases in which somewhat similar questions have arisen and have been decided by the Supreme Court. Thus, in Noble vs. Davison, 177 Ind. 19 at page 29 the Court said:
"It is a well-established and salutary doctrine, that he who is intrusted with the business of others cannot be allowed to make such business an object of pecuniary profit to himself. This rule does not depend on reasoning technical in its character, and is not local in its application. It is based on principles of reason, of morality, and of public policy. It has its foundation in the very constitution of our nature, for it has authoritatively been declared that a man cannot serve two masters, and is recognized and enforced wherever a well regulated system of jurisprudence prevails."

Other cases are referred to in the course of the opinion.
In addition to the general public policy involved, however, there is a statute in this state which expressly prohibits a member of the county council from being a party to or in any manner interested in any contract or agreement with his county.

Burns Indiana Statutes Annotated (1933), Section 26-513.

I think the above statute applies in principle, at least. In my opinion, both questions should be answered in the negative.

NEwSPAPERS: Legal advertising—Publication city ordinances.

November 17, 1936.

Hon. Wm. P. Cosgrove,
State Examiner,
State Board of Accounts,
State House,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion on the question of whether or not the Beech Grove Independent, a weekly newspaper of general circulation published and printed in the City of Beech Grove, since June, 1936, and being the only newspaper of general circulation printed and published therein, is entitled to receive for publication and to publish